

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAMES RICHARD TROYER, JR., #1421719 §

VS.

§

CIVIL ACTION NO. 4:10cv258

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner James Richard Troyer, Jr., an inmate confined in the Texas prison system, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The cause of action was referred to United States Magistrate Judge Don D. Bush who issued a Report and Recommendation concluding that the Petitioner's complaint about not being released from prison became moot upon his release from prison. The Petitioner has filed objections.

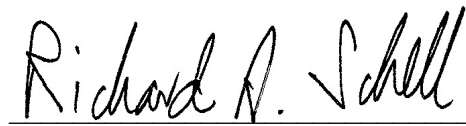
The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. It is specifically noted that the Petitioner's argument in his objections that his petition is not moot since he is also seeking declaratory relief lacks merit. *See Gonzalez v. Thaler*, 351 Fed. Appx. 946, 947 (5th Cir. 2009) (complaints about parole procedures became moot after inmate was released because he no longer had any personal stake in the implementation of the challenged procedures). Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DISMISSED** with prejudice as moot. It is further

ORDERED that a certificate of appealability is **DENIED**. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 23rd day of August, 2013.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE